

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN**

MARY ANN MCBRIDE, et al.,)	
)	
<i>Plaintiffs,</i>)	
)	Civil Action No. 2:15-cv-11222
v.)	
)	Hon. Sean F. Cox
MICHIGAN DEPARTMENT)	Mag. David R. Grand
OF CORRECTIONS, et al.,)	
)	
<i>Defendants.</i>)	
)	

EXHIBIT CC

Grievance WHV-2014-06-2356-06E

MICHIGAN DEPARTMENT OF CORRECTIONS
"Help Make Things Right"
MEMORANDUM

DATE: 8/7/2014

LOCATION: GB-22 WHV

TO: Halliwill, Steve / Warren, Millicent

FROM: Grievance Coordinator: Bragg / Boa

SUBJECT: Attached Grievance filed by prisoner 712129 M. MCBRIDE GB-22 WHV

Grievance Identifier: WHV / 2014 / 06 / 2356 / 06E

Per revised PD-03.02.130

Due Date: 8/25/2014

After reviewing the attached grievance, I have decided that you are the most appropriate staff member to investigate the issue. The completed grievance should be returned to this office by the due date above. If you are going to require additional time beyond the due date to complete the investigation and response, you must request an extension on the grievance investigation.

Received
Administrative Assistant

AUG 11 2014

Women's Huron Valley
Correctional Facility (WHV)

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE APPEAL FORM

4835-4248 5/09
 CSJ-247B

Date Received by Grievance Coordinator
 at Step II: AUG 06 2014

Grievance Identifier: WHV 1406 2356 AAT

INSTRUCTIONS: THIS FORM IS ONLY TO BE USED TO APPEAL A STEP I GRIEVANCE.

The white copy of the Prisoner/Parolee Grievance Form CSJ-247A (or the goldenrod copy if you have not been provided with a Step I response in a timely manner) **MUST** be attached to the white copy of this form if you appeal it at both Step II and Step III.

If you should decide to appeal the Step I grievance response to Step II, your appeal should be directed to Grievance
Coords. by 8/12/14. If it is not submitted by this date, it will be considered terminated.

If you should decide to appeal the response you receive at Step II, you should send your Step III Appeal to the Director's Office, P.O. Box 30003, Lansing, Michigan, 48909.

Name (Print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
Mary McBride	712129	WHV	GBZZ11	6-1-14	8-4-14

STEP II — Reason for Appeal

See enclosed copy of my step I grievance filed on humane treatment and living condition issue degrading discrimination against my handicap. see witness statements of events and chow hall video and audio as it will verify this incident occurred on 6/1/14. there is sufficient evidence on tape of this event and no witnesses were ever interviewed regarding this incident.

STEP II — Response

Date Received by
 Step II Respondent:

8/11/14

please, see attached

Millicent Warren, Warden
 Respondent's Name (Print)

Shirley A. Warren
 Respondent's Signature

11/3/14
 Date

Date Returned to
 Grievant:

11-12-14

STEP III — Reason for Appeal

NOTE: Only a copy of this appeal and the response will be returned to you.

STEP III — Director's Response is attached as a separate sheet.

DISTRIBUTION: White — Process to Step III; Green, Canary, Pink — Process to Step II; Goldenrod — Grievant

MCBRIDE 235406

my copy

July 8, 2014

Mary McBride # 712129

Grievance I, D. # WHV 2014 06 2356 OBE

Step II Appeal

I'm filing my Step II appeal in a timely manner on 7-8-14. I have not received my Step I response as indicated on grievance coordinator's response. See enclosed copy of my Step I grievance filed on humane treatment and living condition issue degrading - discrimination against my handicap.

Step II Grievance Appeal Response

WHV-2014-06-2356-06E

Name: McBride

Number: 712129

Lock: GB-22

Summary of Step I Complaint:

Grievant states that on 6/1/2014 Officer Wesson used demeaning language toward her. She indicates that she is deaf and could not hear what was being said, but indicates that Officer Wesson was making fun of how she speaks.

Summary of Step I Response:

The Step I Response reads; "During interview Prisoner McBride states that she could not understand or hear what was going on. Only could look and see other inmates laughing at her. But is unaware of what comments and statements being made due to there was no interpreter present. Therefore grievance is denied due to insufficient evidence."

Summary of Reason for Appeal:

Grievant disagrees with the Step I Response. She indicates that she has attached several witness statements and that video surveillance will reveal that this incident did occur.

Summary of Step II Investigation:

PD 03.03.130 Humane Treatment and Living Conditions for Prisoners states that "Staff shall not use or engage in, and shall discourage through appropriate means any person's use of, derogatory, demeaning, humiliating, or degrading actions or language toward others."

Based on the investigative information provided, it appears that appropriate action has been taken. The incident has been handled administratively.

Conclusion:

I have reviewed the Step I Grievance and Step II Grievance Appeal forms along with the Respondent's investigation information. The incident will be handled administratively.

Based on the above, your grievance is considered

Resolved at Step II.

Millicent Warren, Warden



11/3/2014

Respondent's Name (Print)

Respondent's Signature

Date

MICHIGAN DEPARTMENT OF CORRECTIONS
PRISONER/PAROLEE GRIEVANCE FORM4835-4247 10/94
CS-247ADate Received at Step I JUN 10 2014 Grievance Identifier: WTV 14062354 OGE

Be brief and concise in describing your grievance issue. If you have any questions concerning the grievance procedure, refer to PD 03.02.130 and OP 03.02.130 available in the prison law library.

Name (print first, last)	Number	Institution	Lock Number	Date of Incident	Today's Date
Mary McBride	712129	WTV	GB224	6-1-14	6-1-14

What attempt did you make to resolve this issue prior to writing this grievance? On what date? June 1, 2014

If none, explain why.

I tried to question C/o Wesson to settle matters. I even asked for an interpreter but C/o Wesson refused and continued to humiliate me.

State problem clearly. Use separate grievance form for each issue. Additional pages, using plain paper, may be used.

Four copies of each page and supporting documents must be submitted with this form. The grievance must be submitted to the Grievance Coordinator in accordance with the time limits of OP 03.02.130.

On date 6-1-14 I was humiliated by C/o Wesson when she was stating "She's not retarded" referring to me while I was waiting for the table to be cleaned in the chow hall at approx 7:27am this date. I am deaf. I went to the chow hall with my unit GB. When I was served my tray I went to sit down at the next table. The table was dirty and I asked that it be washed. C/o Wesson appeared to be getting smart with me. I could not hear and I didn't understand what was occurring. As the table was being cleaned, C/o Wesson approached me about sitting down.

(Continued on plain paper)

Mary McBride
Grievant's Signature

RESPONSE (Grievant Interviewed?) ☒ Yes ☐ No If No, give explanation. If resolved, explain resolution.)

Charles Hutchinson
Respondent's Signature
Charles Hutchinson
Respondent's Name (Print)

6/25/2014
Date
Sergeant
Working Title

L. Lengyel
Reviewer's Signature
L. Lengyel
Reviewer's Name (Print)

7/1/14
Date
CSS
Working Title

Date Returned to Grievant: 7/8/14
If resolved at Step I, Grievant sign here. Resolution must be described above.

Grievant's Signature

Date

page 2

I then sat down. C/O Wesson started walking away talking to other inmates and I saw them looking at me and laughing about what was occurring. C/O Wesson returned to my table and continued to humiliate me, degrading me, and causing me mental distress about being deaf. She continued to harass me and make fun of how I speak, continuing to humiliate me in front of her audience of laughing inmates. C/O Wesson's behavior was discriminating against me based on my hearing impairment. I couldn't even eat my meal. This officer's behavior is clearly a violation of Policy Directive 03.03.130 Humane Treatment and Living Condition, clearly stated in Sec. J#4 and Sec. L. Included is my impact statement as well as supporting relevant documents: PD 03.03.130 and witness statements of fact. I've also written the Justice Department, Ombudsmen of this Civil Rights violation.

Mary McBride
712129

Date - June 1, 2014

When I am called for a hearing on this matter I want an interpreter present. It's a law to have the certified interpreter.

Impact Statement - page 2 Mary McBride
#712129

Date - June 1, 2014

I asked her what she said. I asked her if we could have an interpreter to understand what's going on. She still kept repeating what I said to her. I ended up getting upset and walked out without eating or drinking anything. I have been deaf all my life and this is so humiliating and degrading. I am already trying to get by in a world that does not easily help people who are hearing impaired.

Mary McBride
#712129

Impact StatementMary McBride #712129
Date - June 1, 2014

On June 1, 2014, I walked with my friends to chow hall for breakfast, by the time we got to the table, it was full and I asked the officer which table I should go to. She pointed that table. I wanted to make sure I was going to the right one. When I got to that table, it was dirty. I asked the prisoner who works at chow hall cleaning tables, to clean it, not knowing that officer was yelling at me. When I saw the girls by me turned to look at the officer it made me look over there and that officer showed me a hand gesture for me to sit down. I said I can't, the table is dirty. Finally I sat down after the girl was done cleaning. As I looked around I saw people laughing at what the officer was doing to me. I was shocked and humiliated. The officer then came to the table and continued to verbally degrade me. I can't tolerate the verbal abuse from some officers anymore, even if I don't know at times and was told of the incidents later. I felt humiliated. So Wesson came to me and showed me her name to let me know who she is if I write a grievance. When I tried to speak to her, she just repeated what I said and mumbled a lot so I couldn't understand

Witness Statement

6-1-14

From: Jill Miller

#897190

On Sunday, June 1, 2014 I went to the chow hall for breakfast with Mary McBride. She is hearing impaired. I spend a lot of time with her and try to help her out whenever I can.

After we received our trays we were sitting down, the table was full so she headed to another table. Mary was unsure which row to go to, as we were finishing the 2nd to last row. Officer Wesson said, "She knows what to do." We informed Officer that she was deaf. Wesson replied with, "She may be deaf but she's not retarded." After Mary went to the table, she didn't immediately sit because the table was dirty. As she was waiting for the table to be cleaned, Officer Wesson raised her voice towards Mary and started humiliating her in front of the entire chow hall. Inmates began to laugh about it all. At one point, Officer Wesson even turned to another table and began to joke and make fun of the way Mary talks. She can't help the way she talks and honestly, she talks very well for being completely deaf.

As this went on, Officer Wesson approached Mary at the table and made a point to show her name on her uniform and dared her to grieve her. Mary didn't quite understand what was happening

Witness Statement

06/01/14

0800 hrs.

From: Ylen 897839

At approximately 0715, I walked with Mary McBride to chow. McBride is hearing impaired - no hearing at all. I assist when necessary. This morning, McBride and I were seated at separate tables. McBride stood next to the table she was told to sit at because she was waiting for it to be wiped off. From the back of the chowhall, C.O. Wesson kept shouting at Mary McBride to sit down. I and several others from GB unit said, "She's deaf, Officer."

C.O. Wesson looked at me and said, "I know she's deaf but she ain't retarded." C.O. Wesson started walking toward McBride's table, repeating the "ain't retarded" line to tables of inmates who had laughed. C.O. Wesson then approached McBride and said, "You been here some years & you ain't retarded." Then she started saying "Sit... Sit girl... sit," as if she was an ignorant animal.

C.O. Wesson strolled back down the aisle cracking jokes with laughing inmates, humiliating & degrading McBride. She said, "Trust me ladies, I deal with her in the unit & as soon as I mumble something nasty under my breath, she sure as hell hears me." Then C.O. Wesson imitated McBride's speech impediment due to her deafness as inmates laughed.

One inmate said, "She can grieve you."

Witness Statement pg. 2

From: Ylen 891839

C.O. Wesson said, "What's she gonna grieve?" Then C.O. Wesson walked back to McBride and said, "You wanna grieve me? Here's my name," as she pointed to her name on her uniform.

McBride tried to ask questions to resolve it but C.O. Wesson kept saying "You ain't retarded, you know how it goes."

McBride, in tears, put her tray up & left the chaw hall crying. C.O. Wesson, kept badgering, "Yeah go ahead, go on, get outta here." McBride was too upset & degraded to even take a bite of breakfast. I put my tray up, not eating either, to go make sure she was okay.

Sgt. White stood watching the entire exchange and never intervened to stop the humiliation.

Sara Ylen

Rosie Lee after # 189172
 I was in lunch room with
 miss Mary A. McBride and
 ms. official Wesson told ms.
 McBride to set at a table
 We was telling ms. Wesson
 that ms. McBride could not
 hear or ~~see~~ ms. Wesson said
 she can hear what she want
 I said that not true I live in
 the unit with her. after that
 she went to ms. McBride
 Embarrassing her.

GB
 2/16

Rosie Lee after
 # 189172 6-2-14

Witness Statement

June 1, 2014

Today, June 1, 2014 at approx. 07:25 I was at the chow hall with my unit GB.

I was sitting, eating, when Officer Wesson started yelling at inmate McBride, "to sit down." An inmate stated that "she (McBride) is Deaf." Officer Wesson, responded "she's not retarded." Surrounding inmates started laughing. Officer Wesson continued to yell and repeat "she's not retarded, she's been down awhile." Because Officer Wesson continued repeating "she's not retarded", inmates kept laughing and finding this all to be funny and entertaining.

Then Officer Wesson went up to McBride at her table, yelling and McBride asked what was wrong and tried to inform Officer Wesson that the table was dirty. But Officer Wesson kept yelling about McBride and that she's not retarded, while inmates kept laughing. Inmate McBride sat down and Officer Wesson continued saying things to McBride, mocking how McBride spoke, while inmates laughed. One inmate said this matter should be grieved so Officer Wesson pointed to her name tag, stating "it's Wesson spelled like this."

During all of this McBride was trying to

just sit and eat breakfast at a clean table.

Officer Wesson continued on until she had McBride in tears and unable to stay and eat breakfast.

This whole incident was not necessary and it was very degrading and humiliating for McBride and an embarrassment to me to see this Officer of authority behaving and treating a disabled person this way.

Thank you
Susie Conner

#472936

GB-201

June 1, 2014

cc. my file

6-2-14

TO WHOM THIS MAY CONCERN:

THIS IS A STATEMENT FROM PRISONER POLLY GATES #596657 IN REGARDS TO THE OFFENSIVE BEHAVIOR I WITNESSED THE MORNING OF JUNE 1, 14 IN THE HURON VALLEY WOMEN CORRECTIONAL FACILITY CHOW HALL.

I HAD RECIEVED MY TRAY AND WAS SEATED TWO TABLES AWAY FROM PRISONER MARY MCBRIDE #712129. AN OFFICER, BY THE NAME OF WESSON YELLED ACROSS THE ROOM AT MARY FOR HER TO "SIT DOWN". MARY IS DEAF, AND THERE FORE COULD NOT HEAR OFFICER WESSON. MARY HAD ASKED ANOTHER INMATE TO WIPE THE TABLE SHE ^{WAS} TO SET AT AND WAS WAITING FOR HER. OFFICER WESSON BECAME VISIBLY UPSET AND TOLD MARY AGAIN TO "SIT DOWN". INMATE MARY DID NOT RESPOND TO OFFICER WESSON SO THE OFFICER BEGAN TO CROSS THE ROOM YELLING AT MARY SAYING, "SIT DOWN. WHATS WRONG WITH YOU? ARE YOU RETARDED?" OTHER INMATES, SITTING AT A TABLE NEXT TO WHERE I WAS

To whom it may concern,

My name is inmate Klemm #829224 and on the date of June 1st 2014 I was in the chow hall at the next table to inmate McBride. Between 7:15 and 7:30, I ~~was~~ witnessed officer Wesson harassing inmate McBride without provocation. Inmate McBride is deaf and could not hear where officer Wesson was directing inmates to sit so when she tried to yell to her across the left side of the chowhall inmate was unable to read her lips. After inmate McBride had realized where officer Wesson was seating she sat down only to be further harassed by officer Wesson with words like "I know you are deaf but you aren't retarded, when I'm talking you need to read my lips don't act slow." After about 5 minutes inmate McBride had ~~been~~ had enough of being degraded and asked for the officers name, officer Wesson said "Wesson yeah grieve it go ahead." Inmate McBride then exited the chowhall unable to eat because she was so embarrassed by officer Wesson's actions. Thank you for your time.

Sincerely,
Klemm #829224

6.3.14

To whom it may concern:

I'm writing this letter in regards to an incident I witnessed at breakfast on June 1st 2014 at approximately 7:30 am. Officer Wesson was seating inmates on the left side of the chow hall. I witnessed officer Wesson harass inmate McBride. Inmate McBride did not see officer Wesson and being that she is deaf was unable to hear her yell where to sit. Another inmate directed her and informed Officer Wesson that inmate McBride is deaf. To this Officer Wesson replied "Just because she's deaf doesn't mean she's retarded, I know she can read my lips." Officer Wesson went on in this line of bullying for a couple minutes before inmate McBride realized what was being said. At this time Inmate McBride asked her "What did I ever do to you?" Officer Wesson replied with "Go ahead grieve it and make sure you spell it right." I then witnessed inmate McBride leave the chow hall almost in tears un-able to eat because she was so embarrassed. I have been incarcerated for 3 1/2 years and have never seen such a ridiculous display of bullying by an officer to an inmate. As a human being I cannot believe someone was picked on for a disability and as an inmate do not understand how someone who is supposed to "protect" us is doing the opposite. You never know where another human being is emotionally

From: Sonora Alexander 4/10/16 PM

Witness Statement for Mary

On Sunday June 1st in the Chow hall
 I witnessed Mr. Wesson belittle & humiliate
 and make a joke of Mary because she didn't sit
 down fast enough at her table. Mrs. Wesson
 was yelling from across the room for her to sit
 down. When she didn't comply several of the ones
 what was happening & told Mrs. Wesson "She's
 deaf and cannot hear you." "And she's waiting
 for her table to get washed." Mr. Wesson said
 in reply to her being deaf that "Well she's
 not retarded and she's has several years ahead
 of her and better learn what to do. When
 she made people (not myself) laugh at the retarded
 comment she continued to repeat it a few
 more times. I felt embarrassed and really
 hurt for Mary because she didn't even know
 what was going on. I then got up from my
 table and signed language to her "What was
 being said." I am appalled at this officers
 behavior! She's supposed to conduct herself
 w/ at least manners. Not saying derogatory
 comments about inmates or their time.
 She owes her an apology & should be
 reprimanded. Maybe she needs a class on
 proper communication. A place in authority
 does not give someone the power to abuse
 others, that includes verbal & mental. It's
 emotionally damaging and we are already damaged people!

To Whom it May Concern,

On the morning of June 1st, 2014,
I witnessed Officer Wesson,
"yell" from one end of the
Chow hall to the other end.
"Sit Down" as she "yelled" this,
I heard a prisoner behind me
say "She is deaf". The Officer
then replied as she was
walking towards Mary McBride
#712129. "She may be deaf
but she is not a retard."
Officer Wesson then repeated
the fact that she (Mary McBride)
was not a "retard".

Glendora Beard
#874482
GB 25L

Step I Grievance Response

Grievance Number:

1106235600E

Prisoner Name:

Mary McBride

Prisoner Number:

712129

Prisoner



was



was NOT interviewed. GIVE REASON:

SUMMARY OF COMPLAINT:

Prisoner McBride#712129 complaint of harassment from Officer D. Wesson about her hearing impairment.

INVESTIGATION INFORMATION

At 1008 hours on June 25, 2014 Sergeant Hutchinson conducts interview with McBride and Interpreter Ms. Hardenburgh.

APPLICABLE POLICY, PROCEDURE, ETC.

Policy Directive 03.03.130

SUMMARY

During interview Prisoner McBride states that she could not understand or hear what was going on. Only could look and see other inmates laughing at her. But is unaware of what comments and statements being made due to there was no interpreter present. There fore grievance is denied due to insufficient evidence.

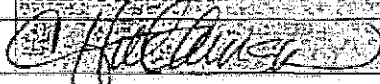
RESPONDENT NAME:

Charles Hutchinson

TITLE:

Sergeant

RESPONDENT SIGNATURE:



DATE:

6/25/14

REVIEWER NAME:

Tom Lengyel

TITLE:

Lieutenant

REVIEWER SIGNATURE:



DATE:

7/7/14

Step II Grievance Appeal Response

WHV-2014-06-2356-06E

Name: McBride

Number: 712129

Lock: GB-22

Summary of Step I Complaint:

Grievant states that on 6/1/2014 Officer Wesson used demeaning language toward her. She indicates that she is deaf and could not hear what was being said, but indicates that Officer Wesson was making fun of how she speaks.

Summary of Step I Response:

The Step I Response reads; "During interview Prisoner Mc what was going on. Only could look and see other inmates and statements being made due to there was no interpreter insufficient evidence."

*Should this
be formally*

ear
nents

Summary of Reason for Appeal:

Grievant disagrees with the Step I Response. She indicates that video surveillance will reveal that this incident did

*investigated ??
Employee discharged
on 11/5/14 Mch*

ments and

Summary of Step II Investigation:

PD 03.03.130 Humane Treatment and Living Conditions for Prisoners states use or engage in, and shall discourage through appropriate means any person's use of, derogatory, demeaning, humiliating, or degrading actions or language toward others."

that appropriate has been taken Admin

Based on the investigative information provided, it appears the incident should be investigated further. This incident will be referred for formal investigation and will be handled administratively.

Conclusion:

I have reviewed the Step I Grievance and Step II Grievance Appeal forms along with the Respondent's investigation information. The incident will be handled administratively.

Based on the above, your grievance is considered

Resolved at Step II.

Millicent Warren, Warden

Millicent Warren

11/3/2014

Respondent's Name (Print)

Respondent's Signature

Date

Practice Group Manager

Practice Group Manager